

FEB 16 2021

UNITED STATES DISTRICT COURT FOR THE U.S. DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA W. DIST. OF N.C.  
ASHEVILLE DIVISION

UNITED STATES OF AMERICA )

v. )

DARION ARMON SMITH )

DOCKET NO. 1:21 CR -10-MOC-WCM

**BILL OF INDICTMENT**

Violations:

21 U.S.C. § 841(a)(1)

18 U.S.C. § 922(g)(1)

**THE GRAND JURY CHARGES:**

**COUNT ONE**

On or about August 8, 2019, in Buncombe County, within the Western District of North Carolina, and elsewhere, the defendant,

**DARION ARMON SMITH**

did knowingly and intentionally possess with intent to distribute a controlled substance, that is, a mixture and substance containing a detectable amount of fentanyl, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

**COUNT TWO**

On or about August 9, 2019, in Buncombe County, within the Western District of North Carolina, and elsewhere, the defendant,

**DARION ARMON SMITH**

knowing that he had previously been convicted of at least one crime punishable by imprisonment for a term exceeding one year, did knowingly and unlawfully possess in and affecting commerce a firearm and ammunition, that is, a Glock,

model 23, .40 caliber pistol, and 15 rounds of .40 caliber ammunition.

All in violation of Title 18, United States Code, Section 922(g)(1).

### **COUNT THREE**

On or about August 9, 2019, in Buncombe County, within the Western District of North Carolina, and elsewhere, the defendant,

### **DARION ARMON SMITH**

did knowingly and intentionally possess with intent to distribute a controlled substance, that is, a mixture and substance containing a detectable amount of fentanyl, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

### **NOTICE OF FORFEITURE AND FINDING OF PROBABLE CAUSE**

Notice is hereby given of 21 U.S.C. § 853, 18 U.S.C. § 924, and 28 U.S.C. § 2461(c). The following property is subject to forfeiture in accordance with Section 853, 924, and/or 2461(c):

- a. All property which constitutes or is derived from proceeds of the violations set forth in this bill of indictment;
- b. All property used or intended to be used in any manner or part to commit or facilitate such violations;
- c. All firearms or ammunition involved or used in such violations; and
- d. If, as set forth in 21 U.S.C. § 853(p), any property described in (a), (b), or (c) cannot be located upon the exercise of due diligence, has been transferred or sold to, or deposited with, a third party, has been placed beyond the jurisdiction of the court, has been substantially diminished in value, or has been commingled with other property which cannot be divided without difficulty, all other property of the

defendant/s to the extent of the value of the property described in (a), (b), and (c).

The Grand Jury finds probable cause to believe that the following property seized on or about August 9, 2019, from an apartment in which Defendant resided is subject to forfeiture on one or more of the grounds stated above:

- a) One Glock, model 23, .40 caliber pistol, and 15 rounds of .40 caliber ammunition.

A TRUE BILL:

*Redacted*  
FOREPERSON

R. ANDREW MURRAY  
UNITED STATES ATTORNEY



JOHN D. PRITCHARD  
ASSISTANT UNITED STATES ATTORNEY